

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

LESLIE CHARLES COHEN,	)	
	)	
Petitioner,	)	Civil Action No. 10-35J
	)	
v.	)	Judge Gibson
	)	Magistrate Judge Bissoon
HARLEY G. LAPPIN, et al.,	)	
	)	
Respondents.	)	

**MEMORANDUM ORDER**

Leslie Charles Cohen's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 was transferred to this Court from the United States District Court for the Middle District of Pennsylvania on February 2, 2010, and was referred to United States Magistrate Judge Cathy Bissoon for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.C and 72.D of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on February 4, 2010, recommended that the Petition for Writ of Habeas Corpus filed by Petitioner Cohen be dismissed for failure to state a cognizable claim, without prejudice to Cohen's right to file a civil rights action with respect to some of his claims. Cohen filed an "Addendum" to his Petition on February 11, 2010, wherein he seeks to add several claims concerning "medical conditions of imprisonment" (Doc. 18). Petitioner filed Objections to the Report and Recommendation on February 12, 2010

(Doc. 19).

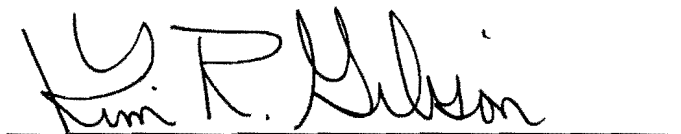
The claims raised in Petitioner's "Addendum" are not properly the subject of a petition for writ of habeas corpus. Lee v. Williamson, 297 Fed. App'x 147 (3d Cir. 2008) ("We agree with the District Court that Lee's claims concerning retaliation, denial of placement in the drug treatment program, and medical needs do not lie at the 'core of habeas' and, therefore, are not cognizable in a § 2241 petition."). Further, Petitioner's objections concerning the proper venue for this proceeding lack merit as he is incarcerated within this District. See, 28 U.S.C. § 2241(d).

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation and the Objections thereto, the following order is entered:

AND NOW, this 16<sup>th</sup> day of February, 2010,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus filed by Leslie Charles Cohen is dismissed without prejudice to his right to file a civil rights action with respect to some of his claims.

The Report and Recommendation of Magistrate Judge Bissoon (Doc. 16) dated February 4, 2010, is adopted as the opinion of the court.

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

Kim Gibson  
United States District Court Judge

cc:

Leslie Charles Cohen

Reg. No. 29789-008

CI Moshannon Valley

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